

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO, et al.,

Defendants.

CIVIL NO. 12-2039 (GAG)

CORRECTED MOTION SUBMITTING COVID-19 PROTOCOL

TO THE HONORABLE COURT:

COME NOW Defendants Commonwealth of Puerto Rico and the Puerto Rico Police Department, by and through the undersigned counsel, and respectfully state and pray as follows:

1. On April 2, 2020, the Court issued an Order (Dkt. 1441) requiring the parties and the Monitor to work jointly on a COVID-19 protocol for the PRPB, and that a finalized document be submitted to the Court by Wednesday April 8, at noon. On the same date, the Court issued another Order (Dkt. 1442), requiring the Monitor to coordinate with the PRPB and the USDOJ a timetable for preparing the protocol, to set the deadline for completion of the document, and to inform the Court.

2. On April 3, 2020, the Monitor informed the PRPB that a draft protocol had to be submitted to the Monitor by Sunday, April 5, at noon. The PRPB complied with the deadline imposed by the Monitor, and on April 5 at noon, submitted to the Monitor and to the USDOJ the PRPB's draft protocol. This required a Herculean effort of coordination with all operational and administrative areas of the PRPB, through the Reform Office, and the review of all of the documentation that had been submitted to the PRPB by the Monitor and the USDOJ, or that was otherwise available and was relevant to the protocol being prepared.

3. On April 6, in the afternoon, the Monitor provided comments and recommendations to the protocol. The USDOJ provided comments and recommendations to the protocol on April 7, 2020.

4. The PRPB worked non-stop in preparing the protocol and have a draft ready for review by the Monitor and the USDOJ on Sunday, April 5, as well as to address (and incorporate if feasible for the PRPB) the recommendations submitted by the Monitor and the USDOJ on April 6th and 7th, respectively.

5. The PRPB also submitted the draft protocol to the Commissioner of the Bureau of Medical Emergencies (the “Bureau”), and discussed with him those portions of the protocol that refer to an involvement by the Bureau. Additional recommendations were received from the Commissioner.

6. In compliance with the Court’s Orders, the PRPB hereby submits its *Protocolo sobre guías de seguridad para los miembros del Negociado de la Policía de Puerto Rico en el manejo de la emergencia del COVID-19* (the “Protocol”), which is the result of the PRPB’s work-product, after taking into consideration the recommendations of the Monitor, the USDOJ and the Bureau of Medical Emergencies, many of which were incorporated into the draft Protocol to the degree that was possible in light of the reality of the operations and resources of the PRPB and of the Puerto Rico Government in handling the COVID-19 pandemic.

7. The PRPB must stress that the present COVID-19 emergency situation is new to the world, and the protocols to address the situation are subject to change based on new information available on a daily basis. Therefore, the Protocol is deemed a “living document” which the PRPB may modify overtime as additional information relevant to the Protocol becomes available, and as it becomes necessary.

WHEREFORE, Defendants respectfully request that the Court take notice of the above, and deem the PRPB in compliance with its Orders at Dkts. 1441 and 1442.

RESPECTFULLY SUBMITTED.

WE HEREBY CERTIFY: That today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico, using the CM/ECF system which will send a copy and notification of filing to all counsel of record.

In San Juan, Puerto Rico, this 8th day of April, 2020.

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